

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**RURAL MUTUAL INSURANCE COMPANY,
Plaintiff,**

v.

Case No. 22-C-0865

**BEYOND BETTER FOODS, LLC, et al.,
Defendants.**

ORDER

Defendants Beyond Better Foods, LLC, Houston Casualty Company, and Allied Surplus Lines Insurance Company filed a notice of removal of this action from state court and assert that federal jurisdiction exists under 28 U.S.C. § 1332(a) because the parties are diverse and the amount in controversy exceeds \$75,000. However, upon reviewing the notice of removal to ensure that federal jurisdiction is secure, I noticed a defect. See *Wis. Knife Works v. Nat'l Metal Crafters*, 781 F.2d 1280, 1282 (7th Cir. 1986) (“The first thing a federal judge should do when a complaint is filed is check to see that federal jurisdiction is properly alleged.”).

The defect relates to Beyond Better Foods, LLC, which is a limited liability company. The citizenship of a limited liability company is determined by the citizenship of each of its members. See, e.g., *Wise v. Wachovia Sec., LLC*, 450 F.3d 265, 267 (7th Cir. 2006). The defendants recognize this, but they do not identify the members of Beyond Better Foods and their citizenships. Instead, they allege that “[e]ach of the limited liability members of [Beyond Better Foods] are incorporated in and citizens of states other than Wisconsin.” (Notice of Removal at 3 n.1.) The Seventh Circuit has held that negative allegations of citizenship are not permitted, and that instead the identities and citizenships

of the members must be revealed. *West v. Louisville Gas & Elec. Co.*, 951 F.3d 827, 829 (7th Cir. 2020); see also *Wild v. Subscription Plus, Inc.*, 292 F.3d 526, 529 (7th Cir. 2002). Accordingly, if the defendants wish to proceed in federal court, they must amend the jurisdictional allegations of the notice of removal and reveal the identities and citizenships of the members of Beyond Better Foods.

THEREFORE, IT IS ORDERED that this case will be remanded for lack of subject-matter jurisdiction unless the defendants file an amended notice of removal that complies with this order on or before **August 22, 2022**.

Dated at Milwaukee, Wisconsin, this 1st day of August, 2022.

/s/Lynn Adelman
LYNN ADELMAN
District Judge